

Sixth Appellate District

San Jose, California

MONDAY, JULY 25, 2005

H027609 PEOPLE v. HOWARD

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed July 25, 2005

H028239 PACIFIC BELL DIRECTORY v. KLEBER CORPORATION

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed July 25, 2005

H028308 In re S.B., et al; MONTEREY D.S.S v. LAWRENCE B.

H028428 In re L.B., et al; MONTEREY D.S.S. v. DANIESHA W.

The findings and orders of December 3, 2004, are affirmed.
(not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed July 25, 2005

H025876 IN RE THE MARRIAGE OF COLETTE AND RAY HARROD

The cause herein is ordered submitted.

Dated: July 25, 2005 BAMATTRE-MANOUKIAN, Acting P.J.

TUESDAY, JULY 26, 2005

H027244 PEOPLE v. BRAY

By the Court*:

Appellant's petition for rehearing is denied.

Filed: July 26, 2005

*Before Rushing, P.J. and Elia, J.

H027978 PEOPLE v. GONZALEZ

The judgment is remanded for resentencing. In all other respects, the judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed July 26, 2005

H028197 PEOPLE v. CHESTRA

The judgment and sentence are accordingly affirmed. (not published)

(Duffy, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed July 26, 2005

Sixth Appellate District

San Jose, California

Tuesday, July 26, 2005 (continues)

H027558 PEOPLE v. READ

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed July 26, 2005

WEDNESDAY, JULY 27, 2005

H026857 MICELI v. CALIFORNIA DEPT. OF TRANSPORTATION

By the Court*:

Appellant's petition for rehearing is denied.
Filed: July 27, 2005

*Before Bamattre-Manoukian, Acting P.J. and McAdams, J.

H027797 PEOPLE v. MORAN

By the Court*:

Appellant's petition for rehearing is denied.
Filed: July 27, 2005

*Before Bamattre-Manoukian, Acting P.J., and McAdams, J.

H027573 PEOPLE v. FRANCISCO

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed July 27, 2005

H028202 PEOPLE v. VICCHIONE

The judgment is affirmed. (not published)
(McAdams, J.; I concur: Bamattre-Manoukian, Acting P.J.,
Concurring Opinion by Mihara, J.)
Filed July 27, 2005

H027835 PEOPLE v. Allen

H028496 DFCS v.. JUAN M., et al.

The cause herein is ordered submitted.

Dated: July 27, 2005 BAMATTRE-MANOUKIAN, Acting P.J.

H027314 PEOPLE v. BORQUEZ

(Filed order modifying opinion.) The petitions for
rehearing by appellant and respondent are denied. There is no
change in the judgment. (not published)
(Rushing, P.J.; Elia, J.)

Filed July 27, 2005

Sixth Appellate District

San Jose, California

THURSDAY, JULY 28, 2005

H026688 OAKLAND RAIDERS v. NATIONAL FOOTBALL LEAGUE, et al.

There were no triable issues of material fact concerning the second cause of action for breach of fiduciary duty. Accordingly, the court properly granted defendants' summary adjudication motion. The judgment is affirmed. (published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.; Concurring opinion by Rushing, P.J.)

Filed July 28, 2005

H027608 PEOPLE v. GUERRERO et al.

The judgment as to each defendant is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed July 28, 2005

H027761 PEOPLE v. CARDENAS

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated June 13, 2005, is hereby vacated. The court by separate letter issued July 25, 2005, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: July 28, 2005 Bamattre-Manoukian, Acting P.J.

H027751 HURST, as Trustee, etc. v. THREE SPRINGS RANCH HOMEOWNERS ASSOCIATION; RUDE, et al.

As so modified, the judgment is affirmed. The parties are to bear their own costs on appeal. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed July 28, 2005

Sixth Appellate District

San Jose, California

Thursday, July 28, 2005 (continued)

H027997 PEOPLE v. DUDA

The judgment is ordered modified by striking the \$600 section 1202.4 restitution fine. The \$300 restitution fine imposed when probation was granted on September 19, 2002, remains in force. The \$600 parole revocation fine imposed pursuant to section 1202.45 is reduced to \$300. The clerk of the superior court is directed to modify the abstract of judgment in accordance with this disposition and forward the amended abstract to the Department of Corrections. As so modified, the judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed July 28, 2005

FRIDAY, JULY 29, 2005

H026821 BERG & BERG ENTERPRISES, LLC v. SHERWOOD PARTNERS, INC., et al.

The order granting Berg's motion for leave to file the proposed second amended complaint, which we treat as an order entered under section 1714.10, is reversed. (published)

(McAdams, J.; We concur: Rushing, P.J., Walsh, J.*)

Filed July 29, 2005

(*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)